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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,812	05/15/2008	Edward Zheng	100697.0025US	6637

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FISH & ASSOCIATES, PC  
ROBERT D. FISH  
2603 Main Street  
Suite 1000  
Irvine, CA 92614-6232

EXAMINER
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WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

MAIL DATE	DELIVERY MODE
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06/09/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,812	<b>Applicant(s)</b> ZHENG, EDWARD	
	<b>Examiner</b> Rodney B. White	<b>Art Unit</b> 3636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's arguments filed 05/19/2009 have been fully considered but they are not persuasive.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation "that the collapsed chair has at least one of an increased width and increased length as compared to the same collapsed chair without the spacer element" must be shown or the feature(s) canceled from the claim(s). Also, all of the limitations of claims 2-5, 7-10, and 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are still lacking in detail, specifically the details of the "spacer elements" are not visible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the details as described in the specification and as they are claimed. The drawings are so dark that the details that the Applicant argues are not visible. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown

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in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has not provided sufficient illustrations of any of the limitations and/or details that he is claiming or the improvement he claims as being accomplished by adding the “spacer element” to the type of foldable chair in his invention, and especially the details defined in claims 4-5 and 7-10.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, “the same collapsed chair” lacks antecedent basis.

The aforementioned problems render the claims vague and indefinite.

Clarification and/or correction is required.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 , 5-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (U.S. Patent No. 5,893,605) in view of Aycock (U.S. Patent No. 5,975,626).

Chang shows a collapsible chair comprising a first cross bar and a second cross bar, and a second cross brace with a third cross bar and a fourth cross bar, wherein the first and second cross braces are coupled to each other via a third cross brace with a fifth cross bar and a sixth cross bar and a fourth cross brace with a seventh cross bar and an eighth cross bar, such that one end of the first cross bar is pivotably coupled to one end to the eighth cross bar and one end of the second cross bar is pivotably coupled to one end of the sixth cross bar to form a quad structure. Each of the first cross bar and the second cross bar, the third cross bar and the fourth cross bar, the fifth cross bar and the sixth cross bar, and the seventh cross bar and the eighth cross bar are rotatably coupled to each other via a first, second, third, and fourth axis, respectively, wherein the chair is proportioned for a child but does not teach the spacer element. However, Aycock teaches a spacer element that maintains a

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minimum distance of at least 1-1.5 cm between the cross bars that are rotatably coupled to each other, the spacer element comprising a continuous channel having and further has a first end and a second end, wherein the continuous channel is configured to receive an axis that rotatably connects the first cross bar with the second cross bar in and wherein the first and second ends are disposed between and engage with the first and second cross bars such that the first and second cross bars remain at a distance of at least 1-1.5 cm from each other at a point of rotatable connection of the first and second cross bars as the collapsible chair collapses further comprising a pedestal connector having a supplemental spacer, wherein at least one of the cross braces is pivotably coupled to the supplemental spacer, further comprising a second spacer element coupled to another one of the at least one of the first, second, third, and fourth axes, wherein at least one of the spacer elements has a channel in which the axis is at least partially disposed. Aycock is silent as to what material is used to make the spacer elements. However such a detail is a matter of design choice that lacks patentable weight. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Chang, to include spacer elements coupled to the first, second, and third, and fourth axes, as taught by Aycock, since it would reduce collapsibility such that the collapsed chair has at least one of an increased width and increased length as compared to the same collapsed chair without the spacer element of the collapsible chair as compared to a chair without a spacer element .



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Claims 1-3 , 5-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (U.S. Patent No. 5,893,605) in view of Ku (U.S. Patent Application Publication No. 2003/0006632 A1).

Chang shows a collapsible chair comprising a first cross bar and a second cross bar, and a second cross brace with a third cross bar and a fourth cross bar, wherein the first and second cross braces are coupled to each other via a third cross brace with a fifth cross bar and a sixth cross bar and a fourth cross brace with a seventh cross bar and an eighth cross bar, such that one end of the first cross bar is pivotably coupled to one end to the eighth cross bar and one end of the second cross bar is pivotably coupled to one end of the sixth cross bar to form a quad structure. Each of the first cross bar and the second cross bar, the third cross bar and the fourth cross bar, the fifth cross bar and the sixth cross bar, and the seventh cross bar and the eighth cross bar are rotatably coupled to each other via a first, second, third, and fourth axis, respectively, wherein the chair is proportioned for a child but does not teach the spacer element. However, Ku teaches a spacer element that maintains a minimum distance of at least 1-1.5 cm between the cross bars that are rotatably coupled to each other, the spacer element comprising a continuous channel having and further has a first end and a second end, wherein the continuous channel is configured to receive an axis that rotatably connects the first cross bar with the second cross bar in and wherein the first and second ends are disposed between and engage with the first and second cross bars such that the first and second cross bars remain at a distance of at least 1-1.5 cm from each other at a point of rotatable connection of the first and

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second cross bars as the collapsible chair collapses, further comprising a pedestal connector having a supplemental spacer, wherein at least one of the cross braces is pivotably coupled to the supplemental spacer, further comprising a second spacer element coupled to another one of the at least one of the first, second, third, and fourth axes, wherein at least one of the spacer elements has a channel in which the axis is at least partially disposed. Aycock is silent as to what material is used to make the spacer elements. However such a detail is a matter of design choice that lacks patentable weight. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Chang, to include spacer elements coupled to the first, second, and third, and fourth axes, as taught by Ku, since it would reduce collapsibility such that the collapsed chair has at least one of an increased width and increased length as compared to the same collapsed chair without the spacer element of the collapsible chair as compared to a chair without a spacer element.

Claims 4 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> and 2nd paragraphs, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Remarks***

As previously explained, the “photographed” pictures of the present invention do not show much or very little detail of the present invention. Even the photos submitted 05/19/2009 are not much better than the previously filed poor quality photos. While the “spacer elements 238,248” are somewhat visible, one still cannot make out the details of those “spacer elements” and only small part of “spacer element 218” is visible. As mentioned before, the specification states that the “spacer element 248” is not shown when actually “spacer element 228” is not shown. And with the replacement drawings filed 05/19/2009, Applicant still did not attempt to show or correct that problem with the drawings.

Currently, Applicant has added the limitation “that the collapsed chair has at least one of an increased width and increased length as compared to the same collapsed chair without the spacer element” to amended claim 1. However, Applicant does not show in is drawings a chair that lacks the “spacer element” folded to a collapsed position to show or prove that a chair of the same kind that lacks the “spacer elements” is shorter in length or width than a chair of the same kind that does incorporate the “spacer elements” into the structure. With that said, it is not clear how or why the “spacer elements” of Halliday and Aycock would not increase the size of a folded or collapsed chair that employs the “spacer elements” of the present invention, especially since no structural details of the “spacer elements” of the present invention have been made available. Inventions are granted because an inventor says his or her invention

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functions or performs in a specific way or has a certain result. The claims should at least include some structural limitations that would allow one of ordinary skill in the art to conclude that the invention does indeed have a certain feature or function. It would appear that a side-by-side exhibit and demonstration of the Chang patent and the present invention is needed.

Finally, since no clear details of the "spacer element" have been properly illustrated, it is not clear how Applicant can provide drawings or details about the "spacer elements" without adding new matter. The present invention appears to be almost identical to the Chang patent, the only difference being that Applicant has added "spacer elements" of which no real detail has been shown, despite claiming that the "spacer elements" comprise a "continuous channel", how that "channel" "connects the first cross bar with the second cross bar". Are all of the structural limitations defined in claims 2-10 really shown by the poor quality photos submitted as drawings? So it is not clear how the "spacer elements" of Aycock and Ku cannot be implemented in the Chang patent to achieve the feature that is allegedly achieved by the "spacer elements" of the present invention. How can Applicant request details to be pointed out in the Aycock and Ku prior art when he has not provided details of his invention? It is not clear why Applicant would file a patent application with such poor quality photos that fail to show the detail(s) of his invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on 5:30 AM-3:00 PM..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dunn David can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney B. White/  
Primary Examiner  
Art Unit 3636  
June 4, 2009